HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.16497 of 2002

Dated 20th August, 2005

Between:

T.J.Reddy, S/o.Narayan Reddy,

Aged 48 years, E-62446, Conductor,

H.No.2-4-880, Gokulnagar, Hanamkonda,

Warangal Dist. .. Petitioner

And

Industrial Tribunal-cum-Labour

Court at Warangal, rep. by its

Presiding Officer and another .. Respondents

HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.16497 of 2002

ORAL ORDER:

This writ petition is filed challenging the award dated 18.9.2001 in I.D.No.122 of 1999 passed by the Labour Court, Warangal and to quash and set aside the same.

The facts relevant for appreciating the controversy may be delineated as follows:

For certain irregularities committed by the petitioner, a charge sheet was issued to him indicating that he failed to issue tickets to the batch of 9 passengers having collected requisite fare at the rate of Rs.19/- each from them, for which the petitioner gave an explanation. As his explanation was not satisfactory, a regular departmental enquiry was conducted wherein the charges leveled against him were proved. Thereafter, the 2nd respondent issued a show cause notice indicating removal from service, for which the petitioner gave an explanation, but the 2nd respondent, without considering his explanation removed him from service vide proceedings dated 18.8.1998. The appeal preferred by the petitioner was also rejected. Then, the petitioner raised an industrial dispute before the Labour Court, Warangal under Section 2(A)(2) of the Industrial Disputes Act, 1947. After considering the evidence on record, the Tribunal dismissed the claim of the petitioner. Challenging the same, this writ petition has been filed.

The learned counsel for the petitioner has contended that the findings of the Tribunal are not based upon any evidence. Instead of tickets worth Rs.19/-, the petitioner issued tickets of Rs.20/- denomination and therefore, there is no loss or irregularity caused to the Corporation and this aspect of the case has not been considered by the Labour Court, and hence, he prays to allow the writ petition.

On the other hand, the learned standing counsel appearing for the 2nd respondent-Corporation has contended that the petitioner having collected the requisite fare from 9 passengers, failed to issue tickets to them, thereby it is a case where the petitioner misappropriated the amount collected from the passengers and caused loss to the Corporation. Hence, the writ petition deserves to be dismissed.

Unless the findings are perverse or not based upon any evidence, normally this Court will not interfere with the decision taken by the administration. The charges leveled against the petitioner are that the petitioner, having collected the requisite fare of Rs.19/- each from the passengers failed to issue tickets, and at the time of inspection, the checking officials found certain financial irregularities on the part of

the petitioner. The Statements of the passengers were recorded by the checking officials and produced before the Enquiry Officer. A fair and reasonable opportunity was afforded to the petitioner to participate in the enquiry. Even otherwise, the case of the petitioner is that the principles of natural justice have been violated and no fair and reasonable opportunity was afforded to him during the enquiry. The only ground on which the petitioner challenges the impugned award is that he issued tickets of Rs.20/- denomination to the passengers. But, there is evidence to show that at the time of inspection, 9 passengers were found to be not having any tickets of any denomination. If really the petitioner had issued the tickets to the passengers, then he would not have been found fault with. Therefore, based on the evidence available on record, it is clear that the petitioner misappropriated the amount collected from the passengers without issuance of tickets, and the findings arrived at by the Tribunal cannot be said to be perverse or contrary to the evidence available on record. With regard to the punishment imposed by the disciplinary authority and as confirmed by the appellate authority, the observations made by the Labour Court cannot not be interfered with in view of the fact that the punishment is not shocking to the proved misconduct. Since it is a case of financial irregularity, it has to be dealt with an iron hand. That is the reason why the Tribunal dismissed the claim of the petitioner holding that the departmental enquiry was held properly. The impugned award does not suffer from any legal infirmities so as to call for interference of this Court.

The writ petition is devoid of merits and accordingly dismissed. No order as to costs.

20.08.2005

bcj